

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW**

NOTICE OF DECISION

TO: Julie and Bill Mavros
23262 SE 57th Street
Issaquah, WA 98027

SUBJECT: Home Occupation: Handmade Healing Massage Therapy

APPLICATION: Planning application: HO14-00002

DECISION DATE: July 3, 2014

REQUEST: Application for a Home Occupation Permit, Level 2 review, by Julie Mavros for a home occupation that will involve some customer visitation associated with the home occupation at the Mavros residence.

The applicant is a Licensed Massage Practitioner wanting to operate the massage therapy practice out of her home. The proposal is to be working part time, 3 days a week with 2 clients per day, which is a total of 6 clients per week. The business proposes to use 302 square feet of the house. The clients will park their vehicles on the property in front of the garage.

LOCATION: The home occupation is located at 23262 SE 57th Street (Overdale Park). See vicinity map, Exhibit No. 3.

SUBAREA: The project is located within the "North Issaquah" Subarea of the Issaquah Comprehensive Plan.

DECISION MADE: On July 3, 2014 the Development Services Department conditionally approved the Home Occupation Permit for the above proposal. Approval of this application is based on the submittal of May 22, 2014, and the following conditions:

1. In accordance with IMC 18.07.470, the home occupation shall remain compatible with the residential character of the neighborhood. The project may be re-reviewed following this Notice of Decision including observations of site activities inconsistent with this approval and receipt of complaints. An annual review of the home occupation may be done concurrently with the renewal of the business license. If needed, the review shall include assessments to ensure the home occupation is in compliance with the approval criteria. If the reviews indicate that the use has become detrimental to the residential neighborhood, the renewal of the business license shall be denied, or shall have conditional approval after the situation has been addressed or corrected.
2. The subject site, 23262 SE 57th Street, shall remain the primary residence of the operator of the Home Occupation.

3. Prior to operating the Home Occupation, the applicant shall obtain a City of Issaquah Business License. The business license has already been applied for and is not issued until the approval of the Home Occupation Permit (HO14-00002).
4. The home occupation, "Handmade Healing Massage Therapy", is approved as a Home Occupation only for Julie Mavros and limited to her use. The residence shall not be used by others to conduct business operations.
5. Per IMC 18.07.470 C.1. Accessory Use limits the size of home occupations to no more than 25% of the gross floor area of a residence up to 500 square feet.
6. Per IMC 18.07.470 C.16. Traffic Trips: The home occupation cannot generate more than 20 vehicle traffic trips per day. (A trip is considered either the arrival or the departure of a vehicle. One vehicle arriving and then immediately leaving is considered 2 trips). The home occupation shall not exceed the allowed number of trips and will schedule clients so as not to exceed this limit.
7. All of the "Approval Criteria" for Home Occupations of Section 18.07.470-C of the Issaquah Land Use Code must be met.

REASONS FOR DECISION:

1. The subject site is zoned "Single Family Estates" (SF-E). Home Occupations with customers are permitted in this zoning designation by a Level 2 Review (administrative review of Home Occupation Permit) with notice to property owners within 300 feet of the site) per the Table of Permitted Home Occupations, Section 18.07.470. The requested home occupation by Julie Mavros is a licensed massage practitioner. The proposal is for Julie Mavros to be working part time, 3 days a week with 2 clients per day, which is a total of 6 clients per week. The business proposes to use 302 square feet of the house. The clients will park their vehicles on the property in front of the garage.
2. The purpose of home occupations, as listed in Section 18.07.470(A) of the Issaquah Land Use Code states: "*The conduct of business within a dwelling may be permitted in residential and commercial districts under the provisions of this section as long as the home occupation is consistent with the existing character of the surrounding neighborhood as defined by the approval criteria. Using the approval criteria, it is the intent of this section to:*"
 - a) Maintain and preserve the character of residential neighborhoods.
 - b) Insure the compatibility of home occupations with other uses permitted in the residential districts.
 - c) Promote the efficient use of public services and facilities while assuring that commercial users do not reduce the City's public services and facilities level of service to intended residential users.
 - d) Encourage flexibility in the work place and creativity in careers by permitting home occupations.
 - e) Regulate home occupations because of the potential impact to the surrounding neighborhood.
3. Client/customer visitation associated with any permitted home occupation is authorized to be reviewed under the Level 2 administrative Home Occupation review process per Section

18.07.470-D. of the Issaquah Land Use Code (clients coming to home).

4. The Level 2 Administrative Site Development Permit process requires that Notice of Application be mailed to property owners within 300 feet of the project site and to provide an opportunity for comment. A Notice of Application was mailed to surrounding property owners on June 12, 2014. The comment period ended on June 26, 2014. The City received 2 emails from citizens regarding the applicant's proposal. In summary, the comments received were:

- Pleased to see that the driveway will be used for customer parking.
- Question if there will be any external business sign on the property visible from the street.
- Proposal is a good business and supportive of legitimate home occupations.

Staff response:

- Customers will use the driveway in front of the garage as stated on the application.
 - While a sign/nameplate up to 2 square feet may be attached to the house, no signage is proposed for the home occupation.
5. The project proposal was posted on the City's web site under the Development Service Department's "Active Projects List" for public notice. The decision of this Home Occupation Permit will also be posted on this site.
 6. Home Occupations are permitted to generate no more than 20 trips per day. Per IMC 18.07.470 C, for the purpose of calculating trips, a vehicle arriving generates one trip, and then immediately leaving generates a second trip for a total of two trips per drop off or pick up. The home business must be limited so as not to exceed the 20 trip limit. The application states on the narrative that there will be 2 clients per day 3 days a week. Two clients per day equal 4 trips per day. The proposed number of traffic trips is acceptable and is within the allowable limit.
 7. The application is exempt by the State Environmental Policy Act (SEPA). An Environmental Checklist was not required. The primary use is a single family residence which is exempt from SEPA review. The proposal does not change the primary use, entail modifications or additions to the existing structure, and would not result in environmental impacts.
 8. The Home Occupation permit project application was routed to other City of Issaquah departments. Their comments and concerns have been addressed in this Notice of Decision.
 9. Section 18.07.470(B) of the Issaquah Land Use Code states that home occupations are permitted as an accessory use to the residential use of the dwelling when all of the approval criteria are met. Following are the approval criteria from the Land Use Code, and then, italicized, how the Mavros Home Occupation will meet these criteria. *City response appears in italics.*
 - 1) **Accessory Use:** The home occupation is incidental and subordinate to the primary use of the structure as a dwelling. No more than twenty-five percent (25%) of the gross floor area of the residence or accessory building (up to 500 square feet) may be used for the home occupation.

The Mavros residence has 3,070 square feet (King County records). The license application states the square footage of the home occupation to be 302 square

feet. The allowable space used for home occupation will not exceed the requirements stated above and as conditioned. The percentage of the house allocated to the home occupation is 9.8%.

- 2) **Buffers Needed:** The following home occupations shall have enough acreage to ensure adequate buffers so that the neighborhood is not negatively impacted. Buffering shall be determined on a case-by-case basis by the Planning Director/Manager, given the proposed extent of the home occupation and the size and characteristics of the specific parcel:
- 1) Commercial Hobby Farms;
 - 2) Kennels; or
 - 3) Animal Breeding.

Not Applicable.

- 3) **Business License Required:** No person shall carry on a home occupation, or permit such use to occur on property which he/she owns or is in lawful control, without first obtaining a City of Issaquah Business License.

As required in the conditions above in the "Decision Made" section, Julie Mavros will require approval of the business license from the City of Issaquah upon completion of the Home Occupation permit process. The Business license application has already been submitted to the City (UBI Number: 602 161 766 001 0001). No business activity is to take place until all permits and licenses are competed.

- 4) **Family Day Care Providers and Adult Family Homes:** Family Day Care Providers or Adult Family Home Operators shall obtain all applicable registrations and permits from the State Department of Social and Health Services (DSHS). Family Day Care Providers and Adult Family Home Operators shall not be required to obtain a home occupation permit, but shall make application for an exemption and shall obtain a City of Issaquah Business License. This Chapter (IMC 18.07.100) shall govern siting and operation of Family Day Care Providers, and the regulations applicable to the underlying zone. Mini day care and day care centers shall be required to obtain a Home Occupation Permit.

Not Applicable.

- 5) **Electrical Equipment:** The home occupation does not require the use of electrical equipment that exceeds typical standards for residential use.

The home business activities do not require the use of electrical equipment that exceeds typical standards for residential use.

- 6) **Employees:** The home occupation is conducted primarily by family members residing in the dwelling.

The home occupation is being conducted by the homeowner, Julie Mavros. No employees outside of the household are proposed.

- 7) **Environmental Impacts:** The home occupation shall not negatively affect any aspect of the environment.

The home occupation will not have a negative impact on the environment. There is not exterior alteration to the property as a result of the home occupation.

- 8) **External Alterations:** There are no external alterations to the building that change its character from a residential dwelling.

The home occupation proposes no external alterations to the house and will not change the architectural character of the house.

- 9) **Fire Rating:** The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure.

The home occupation will not require the use of electrical or mechanical equipment that would change the fire rating of the structure. The occupation will not require the installation of additional electrical or mechanical equipment beyond the use typical of a residence. The license application does not indicate that there will not be any hazardous/flammable materials.

- 10) **Kennels and Animal Breeding:** All kennels and animal breeding facilities that are developed after the effective date of this Code shall provide only indoor boarding facilities. If overnight boarding services are provided, the facilities must be soundproofed to minimize noise impacts to the surrounding properties.

Not Applicable.

- 11) **Outside Storage or Display:** There is no outside storage or display of any kind related to the home occupation. Play equipment for day care operations is not considered outdoor storage or display.

There will be no outside display or storage for this home occupation.

- 12) **Primary Residence:** The home occupation is conducted inside a dwelling, or inside an approved detached building to a dwelling, which is the primary residence of the principal practitioner.

The home occupation is being conducted inside the Mavros house. The home occupation for Julie Mavros is the primary residence of the applicant.

- 13) **Production Line Equipment Not Permitted:** Automated or production line equipment shall not be used at the home occupation site. All stock in trade that is produced on site for resale purposes must be produced by hand.

Not Applicable.

- 14) **Residential Character:** The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors. In addition, the refuse/recycling location and container sizing for the single family home shall continue according to the residential requirements.

One of the most important aspects of this review is the maintenance of the residential character of the neighborhood. As stated above under section 8 above, the exterior of the house will not be altered in any way.

- 15) Sign/Nameplates:** A nameplate may display the name of occupant and/or the name of the home occupation. The nameplate shall be attached to the dwelling and shall not exceed two (2) square feet in area. The nameplate shall be compatible with the architectural character of the neighborhood and shall not be illuminated or backlit. Only one (1) nameplate shall be allowed. In cases where the home is not visible from the street, the nameplate may be placed near the road on the owner's property, but not in the right-of-way.

Not applicable. The applicant is not proposing any signage for the home occupation.

- 16) Traffic Trips:** The home occupation, by itself, shall not generate more than twenty (20) vehicular trips a day except that home day cares may have as many trips as required for the number of allowed children per the State Department of Social and Health Services (DSHS) requirements. As used here, a trip is considered either the arrival or the departure of a vehicle from the household. For example, one (1) vehicle making a delivery and then leaving immediately would be considered two (2) trips.

The applicant states that she will treat 2 clients per day, 3 days a week. IMC 18.07.470-C.) states that the number of traffic trips generated by the home occupation cannot exceed 20. Condition No. 6 requires that the home occupation be limited in order to comply with the 20 trip maximum. With a maximum of 2 clients per day, this equates to 4 traffic trips (a customer coming to the house and then leaving the house equals 2 traffic trips). The 4 trips are well below the 20 maximum allowed for home occupations.

- 17) Water/Sewer Use:** The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood.

The home occupation will not significantly increase the usage of water and sewer.

- 18) Additional Conditions:** In granting approval for a home occupation, the City may attach additional conditions to ensure the home occupation will not be detrimental to the character of the residential neighborhood. Any home occupation authorized under the provisions of this Code shall be open to inspection and review at all reasonable times by an authorized City Official for purposes of verifying compliance with the approval criteria and other Code provisions.

Additional conditions have been placed on the application, including annual review of the home occupation at the time of business license renewal as noted in Condition No. 1.

Jerry Lind

Jerry Lind, Senior Planner

7-3-2014

Date

EXHIBIT LIST:

1. Application and project description (2 pages), HO14-00002, received 5-22-2014
2. Affidavit of Ownership, received 5-22-2014
3. Vicinity map.
4. Business license application
5. Issaquah Municipal Code Table 18.07.470: Table of Permitted Home occupations
6. Issaquah Municipal Code Table 18.07.470: Purpose, Approval Criteria for home occupations
7. Correspondence from citizens input (2 letters)

HO14-00002 Mavros, Notice of Decision 7-3-14

VICINITY MAP

23262 SE 57th Street

